

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 18, 2016

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:02 p.m. in the City Council Conference Room on the 18th day of February, 2016, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmember Holman and Chairman Miller

ABSENT: Councilmembers Jungman and Williams

OTHERS STAFF PRESENT: Mayor Cindy Rosenthal
Ms. Susan Connors, Planning and Community
Development Director
Mr. Greg Hall, Street Superintendent
Ms. Leah Messner, Assistant City Attorney
Mr. Shawn O’Leary, Public Works Director
Ms. Karla Chapman, Administrative Technician III

Item 1, being:

UPDATE OF CLOSED SECTION LINE ROADS NOT ELIGIBLE FOR BUILDING PERMITS.

Ms. Susan Connors, Planning and Community Development Director, said in September 1985, Council adopted Resolution R-8485-53, as recommended by the Rural Area Plan Committee. The Plan Committee was concerned about issuance of building permits on section line roads that had never been properly constructed and had not been accepted by Council. Ms. Connors said the resolution officially designated numerous section line roads throughout Norman as “closed” and properties adjacent to those section line roads (designated by R-8485-53) were not eligible for issuance of a building permit without specific exceptions.

Council adopted the Norman 2025 Plan on November 16, 2004, and on January 25, 2005, Council approved the requirements to qualify for a building permit with Resolution R-0405-53 to include a minimum requirement of 40 acres to qualify for building permits as well as updating the roads now open.

Ms. Connors said since the adoption of R-8485-53 several of the previously closed roads have opened. In addition, Staff recognized that since the minimum requirement for acreage in the A-2, Rural Agricultural District, is 10 acres, or smaller if the tract is a legally filed of record tract of land, that the previous requirement of 40 acres to qualify for a building permit is not appropriate and prohibits land owners from building on legally subdivided lots if they cannot meet the 40-acre minimum.

Ms. Connors said language in Resolution R-0405-64 stated “whether a public road has been adequately constructed to public road standards on section lines and whether said public roads have been accepted by the City.” She said there are several roads now open that are not constructed to public road standards and Staff cannot determine whether they have been accepted by the City; therefore, Staff has amended the language in the Resolution to allow for the fact that existing section line roads may exist.

Mayor Rosenthal asked Staff the status of the attached list of North – South and East – West Section Lines and Ms. Leah Messner, Assistant City Attorney, felt the discussion should be improved section line roads and/or non-existent section line roads, rather than closed or open. She said Cleveland County District Court is the governing body that closes and/or opens roads; however, the County does not have records pertaining to this issue and therefore could not produce an accurate list to the City at this time. Ms. Messner said the attached lists are section line roads that have been improved, regardless of whether or not Cleveland County has formally opened the section line roads.

Item 1, continued:

Mr. Greg Hall, Street Superintendent, said the streets on the list that are struck through are where subdivisions and platting has occurred. He said Public Works Department has not gone through and “opened” any roads; however, the City has been maintaining a number of section line roads for years as aggregate roadways. Mr. Hall said Staff does not know from the original Resolution R-8586-53, as to how the section line roads were determined “closed” and to the Staff’s knowledge they have never been completely “closed”; therefore, the City continued to maintain them.

Chairman Miller asked Staff whether the list of “closed” section line roads are listed as such because Cleveland County has not taken formal action to do so; however, the section lines are actually NOT closed as people are traveling on them. She said some of the roads do dead-end and Mr. Hall stated the list of section line roads that are not struck through are roads that the City does not maintain. He said for all practical purposes no road exists. Councilmember Holman asked whether the roads were merely dirt roads and Mr. Hall said no, there are actual no roads at all.

Councilmember Holman said recently Council voted to approve closures of section line roads at 36th Avenue East and 60th Avenue West and Mr. Shawn O’Leary, Public Works Director, said the Council action was merely the City concurring with the County’s decision. Mr. O’Leary said the property owners officially filed civil action at Cleveland County District Court to vacate the section line roads and the Judge ordered the vacation(s). Councilmember Holman said therefore, Council did not actually vote to close the section line road(s) but rather acknowledged the closure from Cleveland County and Staff said that is correct. Mr. O’Leary said Council needs to have a voice in the process because there may be future projects and/or interest the County is not aware of. Councilmember Holman asked whether the City can reopen a street that is closed by Cleveland County and Ms. Messner said no, not once the street has been vacated. Ms. Messner said if Council adopts an ordinance closing a piece of Right-of-way (ROW), within the closure action the City reserves the right to reopen the ROW. She said once the Judge orders the vacation of a street in District Court, the ROW is deeded to adjoining property owners and therefore is no longer a public ROW, but rather private property.

Chairman Miller said the draft Resolution has no impact on closing and/or opening section line roads and its main purpose is to allow applicants to obtain building permits if they have at least 10 acres or more. Ms. Connors said applicants who want to build on section line roads listed on the attachment will still need to obtain a waiver or exemption of the requirement by Council. Councilmember Holman asked if the applicant would have to pay to make improvements to the road/street and Mr. O’Leary said that is a possibility. Chairman Miller said any road/street improvements would be determined by the Public Works Department.

Chairman Miller asked Staff when the draft Resolution could be scheduled as an agenda item for Council consideration and Ms. Connors said Staff would schedule the item on March 8th Council agenda.

Items submitted for the record

1. Memorandum dated February 11, 2016, from Susan Connors, Director, Planning and Community Development, to Council Oversight Committee Members
2. Draft Resolution with Attachment A, North-South Section Lines and East-West Section Lines

The meeting adjourned at 5:10 p.m.